

APPLYING FOR AN ENCRYPTION LICENSING ARRANGEMENT (ELA)

In most cases, your encryption item will be eligible for export under a license exception, so you should carefully review the encryption policy in Section 740.17 and 742.15 of the Export Administration Regulations (EAR) before you submit a license application. Section 742.15(b)(3) of the EAR allows the submission of export license applications for unlimited quantities of encryption items, not eligible under a license exception, to all destinations except the terrorist countries for a validity period of 4 years. This guidance is designed to help you in applying for such a license.

Step 1: Read the relevant portions of the Export Administration Regulations (EAR).

You should first review Section 742.15(b)(3) and Part 748 of the EAR. Section 742.15(b)(3) is the principal regulatory reference for ELAs and describes the licensing policy for exports of encryption items under a license. Part 748 provides general information on submitting license applications.

Step 2: Obtain BXA Form 748P

This is the multipurpose application form you use to apply for a license. Since it is a multipart form, it is not available for downloading from the Web. However, you may request the form from BXA's homepage or by calling the Exporter Counseling Division at (202) 482-4811. In addition, instead of submitting a paper application form, you may apply over the internet using BXA's Simplified Network Application Process (SNAP).

If you are exporting more than one item, you must also obtain BXA Form 748P-A, which is an item appendix, and follow the instructions for Block 22 for each additional item. Follow the instructions on SNAP to add items electronically.

Step 3: Fill in the BXA-748P form.

The form must be typed. For each block of the form, follow the instructions in Supplement 1 to Part 748 for license applications. When applying for an ELA, follow the additional instructions below.

Block	Instruction
5	mark export or reexport box. This is extremely important. DO NOT mark classification request. If you do, the application will be returned to you.
9	indicate the phrase "Encryption Licensing Arrangement" in this block.
17	indicate "various" to denote several intermediate consignees (if applicable).

- 18 indicate “various” to denote several ultimate consignees (if applicable).
- 19 indicate “various” to denote several end-users (if applicable). Leave blank if you have indicated “various” in block 18, and the end-users are the same as the ultimate consignees.
- 21 describe the intended end use of the encryption item(s).
- 22(a) The ECCN for encryption hardware is 5A002. The ECCN for encryption software is 5D002. The ECCN for encryption technology is 5E002.
- 22(e) indicate “1” in this box , even though you are applying for unlimited quantities.
- 22(f) indicate “unlimited” in this box.
- 22(j) provide a brief technical description including the basic purpose of the item and the type of encryption used in the software (e.g., 128-bit RC4 for secure e-mail, 2048 RSA for key exchange). Please **DO NOT** type ‘see letter of explanation’ or ‘see brochure’. The information identified in this block is entered directly into the BXA computer system, and will be printed on the license issued by BXA. A brief technical description is essential.
- 24 indicate the sales territory in this block (listing specific countries, not regions) and the type of end users to whom the item(s) will be exported. You may indicate any additional pertinent information in this block, such as “the items will be returned to the United States or Canada for resale”.

Step 4: Include supporting documents

Supporting documents, such as technical specifications, should accompany the completed BXA 748P form. The supporting documents should include information about the encryption used, including the name and key length of the algorithm(s) in the product.

Step 5: Submit the application to BXA

Please submit the original BXA Form 748P, 748P-A (if applicable) and supporting documents, in accordance with Part 748 EAR, to the following address:

**Bureau of Export Administration
U.S. Department of Commerce
14th Street and Pennsylvania Avenue, N.W.
Room 2705,
Washington, D.C. 20444,
Attn: “Application Enclosed”**

BXA will not accept applications sent C.O.D. If you submit the forms electronically, either through SNAP or ELAIN, please fax the supporting documents to BXA (fax number: 202-501-0784), or send them to the U.S. Department of Commerce, Bureau of Export

Administration, Information Technology Controls Division, Room 2625, 14th & Pennsylvania Ave., N.W., Washington, D.C. 20230.